



City Council Agenda

Council President
Tom Boyajian

Councilmembers

Brian Calhoun
Brad Castillo, Acting President
Mike Dages

Jerry Duncan
Henry T. Perea
Cynthia Sterling

City Manager
Daniel G. Hobbs

City Clerk
Rebecca E. Klisch , CMC

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

TUESDAY, DECEMBER 9, 2003

If you would like to speak, fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us) The Council meeting can also be heard live at the same web site address.

8:30 A.M. - ROLL CALL

Invocation by Reverend Brian Martin from St. Patrick's Community Church

Pledge of Allegiance to the Flag

Proclamation of "JON JON'S GRAND CENTRAL STATION DAY" - Councilmember Sterling

Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council, there will first be a staff presentation, followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person. Public testimony will not be taken on unscheduled/non-action items.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Approve minutes of December 2, 2003

Action Taken:

Approve minutes of Joint Workshop of December 3, 2003

Action Taken:

Councilmember Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All consent calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 p.m.

A. **RESOLUTION** - Authorizing extension of the Department of Justice National Incident Based Reporting System (NIBRS) Grant Program and execution of documents - Police Department

Action Taken:

B. * **RESOLUTION** - 413th amendment to MFS Resolution No. 80-420 revising the language to the disturbance response fee - Police Department

Action Taken:

C. * Reject all bids for a requirements contract for bulk oxygen supply, storage and gaseous oxygen production system - General Services Dept./Dept. Of Public Utilities

Action Taken:

D. **RESOLUTION** - Approving the Final Map of Tract No. 5134 and accepting dedicated public uses therein and authorizing the Public Works Director and Planning and Development Director to execute the necessary documents - Planning and Development Dept.

Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- E. * **RESOLUTION** - Approve an amendment to the FY 2003-2004 Annual Action Plan transferring \$900,000 of Home Investment Partnership Act (HOME) funds from the New Housing Development Program to the Rental Rehabilitation Program - Planning and Development Dept.
Action Taken:
- F. * Approve the 3rd Amendment to a Consultant Services Agreement with Quad Knopf, Inc., for the preparation of additional traffic analysis as part of a focused Environmental Impact Report for the widening of Chestnut Avenue from Shaw Avenue to Bullard Avenue - Public Works Dept.
Action Taken:
- G. Direct staff to submit grant applications to rebuild the McKenzie Trail in southeast Fresno and the rehabilitation and restoration of the historic Santa Fe Depot in downtown Fresno - Public Works Dept.
Action Taken:
- H. * **RESOLUTION** - 48th amendment to AAR Resolution No. 2003-209 appropriating \$300,000 for Citywide streetlight relamping (***Requires 5 affirmative votes***) - Public Works Dept.
Action Taken:
- I. Approve the City Council meeting schedule for the calendar year of 2004 - City Clerk's Office
Action Taken:
- J. * Approve the 2nd amendment to the Joint Powers Agreement, as it applies to wastewater discharge regulations, between the County of Fresno and the City of Fresno - Dept. of Public Utilities
Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS

- 9:45 A.M. Consideration of the City of Fresno Bicycle Transportation Plan for the Fresno Metropolitan Area and related environmental findings for Environmental Assessment No. EA-03-075 - Planning and Development
Action Taken:
1. **RESOLUTION** - Adopting the City of Fresno Bicycle Transportation Plan
Action Taken:
- 10:00 A.M. **HEARING** to consider vacating the Palm-Safford alley between Franklin Avenue and "H" Street - Public Works Dept.
Action Taken:
1. * **RESOLUTION** - Ordering the vacation of the Palm-Safford alley between Franklin Avenue and "H" Street
Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED
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10:10 A.M. Request an update on transfer station - Councilmember Perea

Action Taken:

10:15 A.M. **HEARING** regarding Rezone Application No. R-03-21, property located at the northwesterly side of Figarden Drive between N. Santa Fe and W. Sierra, filed by LATCO - Planning and Development Dept. **(Continue to 1-13-04 at 10:00 a.m.)**

Action Taken:

10:30 A.M. **HEARING** regarding Community Facilities District No. 2, Annexation No. 59 (Final Tract Map No. 5135) - Public Works Dept.

Action Taken:

a. **RESOLUTION** - Annexing territory to Community Facilities District No. 2, Annexation No. 59 and authorizing the levy of a special tax

Action Taken:

b. **RESOLUTION** - Calling a special mailed-ballot election

Action Taken:

c. **RESOLUTION** - Declaring election results

Action Taken:

d. * **BILL** - Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 59, Final Tract Map No. 5135

Action Taken:

10:40 A.M. **HEARING** to consider Rezone Application No. R-03-52, and environmental findings, filed by Lisa Quimet-Monaco, pertaining to a 7.6-acre parcel of land located on the north side of W. Herndon Avenue between N. Golden State Boulevard and Freeway 99 - Planning and Development Dept. **(Property located in District 2)**

Action Taken:

1. Consider and adopt Environmental Assessment No. R-03-52, finding of conformance with the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)

Action Taken:

2. **BILL** - Amending the Official Zone Map to rezone from M-1/UGM (Light Manufacturing/Urban Growth Management) zone district to the C-M/EA/UGM (Commercial and Light Manufacturing/Expressway Overlay/Urban Growth Management) zone district

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

11:00 A.M.

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION -**
Government Code Section 54956.9, Subdivision (c)
1. **Case Name:** City of Fresno v. Souza, et. al.
Possible eminent domain action to acquire property owned by Joe Souza Farms and Sandra M. Tavares (A.P.N. Nos. 328-040-30, 328-230-02, 328-050-31 and 327-070-43)
Action Taken:
- B. CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION -**
Government Code Section 54956.9, Subdivision (c)
1. **Case Name:** City of Fresno v. State of California
Action Taken:

2:00 P.M. #1

CONTESTED CONSENT ITEMS

2:00 P.M. #2

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of November 18, 2003

Action Taken:

- A. *** Approve a HOME Investment Partnership Program (HOME) Agreement between the City of Fresno and the Housing Assistance Corporation for \$900,000 for an affordable rental housing project in northwest Fresno and rescind the \$900,000 reservation of HOME funds previously designated for a residential mixed use project at 1807 Broadway - Planning and Development Dept. **(Council and Agency action)**
- Action Taken:**
1. *** RESOLUTION** - Rescinding Joint Resolution No. 2003-286/1638, which conditionally allocated up to \$900,000 in FY 2003-2004 HOME Program funds to an affordable housing project in downtown Fresno **(Council and Agency action)**

ADJOURN AGENCY

2:30 P.M. WORKSHOP on Code Enforcement **Meeting Room "A" - 2165N**

2. **GENERAL ADMINISTRATION**

- A. Introduction of ordinances to regulate solid waste and recycling facilities, to inspect and monitor nonconforming uses and structures, and to abate public nuisances - City Attorney's Office

Action Taken:

1. * **BILL - (For Introduction)** - Adding Article 3 to Chapter 9 of the Fresno Municipal Code, relating to the regulation of solid waste and recycling facilities in the City of Fresno

Action Taken:

2. * **BILL - (For Introduction)** - Adding Subsection "L" to Section 12-317 of the Fresno Municipal Code, relating to the inspection and monitoring of legally nonconforming uses and structures

Action Taken:

3. * **BILL - (For Introduction)** - Amending Sections 9-804 and 9-805.3(a) of the Fresno Municipal Code, relating to the abatement of public nuisances

Action Taken:

3. **CITY COUNCIL**

- A. **ITEM REMOVED FROM THE AGENDA**

- B. Adopt resolutions as recommended during the Regional Jobs Initiative Workshop held on December 3, 2003 - Councilmember Duncan

1. **JOINT RESOLUTION** - Of the Fresno City Council, the Clovis City Council, and the Fresno County Board of Supervisors declaring their commitment to work collaboratively towards the goals of the Fresno Regional Jobs Initiative

Action Taken:

2. **JOINT RESOLUTION** - Of the Council of the cities of Fresno and Clovis, and the Fresno County Board of Supervisors directing the formation of the Fresno/Clovis/County Advisory Council

Action Taken:

4. **PUBLIC COMMENT PERIOD - No Council action except to place on future agenda. Presentation limited to three (3) minutes.**

- A. Scheduled Public Comment -

- B. **UNSCHEDULED COMMUNICATION** - Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least 10 days prior to the desired date.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Dec.	10 -	12:30 PM - 4:30 PM	TRAINING re: Leadership and Communication - New Exhibit Hall - Room 2015-2018
Dec.	16 -	10:00 A.M.	HEARING re: Rezone Appl. No. R-03-42, filed by Roberto J. Sepulveda
Dec.	16 -	10:15 A.M.	HEARING re: Plan Amendment No. A-03-02, Rezone Appl. No. R-03-15, filed by J. Margolin
Dec.	16 -	10:30 A.M.	HEARING to consider resolution of necessity for three parcels of real property located at the intersection of Shaw and Cedar Avenues - Public Works
Dec.	16 -	10:45 A.M.	HEARING to consider adoption of resolutions designating properties to the Local Register of Historic Resources - Planning and Development
Dec.	23 -	NO MEETING - CHRISTMAS WEEK	
Dec.	30 -	NO MEETING - NEW YEAR'S WEEK	
Jan.	6 -	10:00 A.M.	HEARING re: CFD No. 2, Annexation No. 60, Final Tract Map No. 5098
Jan.	6 -	10:10 A.M.	HEARING re: Plan Amendment No. A-03-04, Rezone Appl. No. R-03-18, filed by Paul and Gayane Atmajian
Jan.	6 -	10:15 A.M.	HEARING re: Plan Amendment No. A-03-10, Rezone Appl. No. R-03-54, filed by McCaffrey Group
Jan.	6 -	2:30 P.M.	WORKSHOP re: Development of Public Arts Ordinance - Parks, Recreation, and Community Services Dept. - (Council Chambers)
Jan.	6 -		WORKSHOP re: Commercial Solid Waste Franchise - Public Works Dept. - (Council Chambers)
Jan.	13 -	10:00 A.M.	CONTINUED HEARING to consider Rezone Application No. R-03-21, and environmental findings, filed by LATCO Enterprises, pertaining to a 17.7-acre parcel of land located on the northwesterly side of N. Figarden Drive, between N. Santa Fe and W. Sierra Avenues - Planning and Development Dept
Jan.	13 -	2:00 P.M.	WORKSHOP re: Chaffee Zoological Gardens - Parks, Recreation, and Community Services Dept. - (Council Chambers)
Jan.	20 -	NO MEETING - MARTIN LUTHER KING, JR. DAY	
Jan.	20 -	10:00 A.M.	HEARING re: CFD No. 2, Annexation No. 61, Final Tract Map No. 4598 (Continued to 1-27-04 at 10:00 a.m.)
Jan.	27 -	2:15 P.M.	WORKSHOP re: Community Sanitation reorganization and Operation Clean-Up - Dept. of Public Utilities - Meeting Room "A" - 2165N
Jan.	27 -	3:00 P.M.	WORKSHOP re: Air Cargo - Transportation Dept. - Meeting Room "A" - 2165N

Feb. 3 - 2:15 P.M. **WORKSHOP** re: Medical plans and Health & Welfare Trust - Personnel Dept. - **Meeting Room "A" - 2165N**

Feb. 3 - 3:00 P.M. **WORKSHOP** re: Urban reforestation - Public Works Dept. - **Meeting Room "A" - 2165N**